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# Judge clarifies: Yes, Trump was found to have raped E. Jean Carroll



Analysis by [Aaron Blake](#)  
Staff writer

July 19, 2023 at 1:15 p.m. EDT



Former president and Republican presidential candidate Donald Trump leaves the opening of his campaign headquarters in Manchester, N.H., last month. (Reba Saldanha/Reuters)

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After [Donald Trump](#) was found liable for sexually abusing and defaming [E. Jean Carroll](#), his legal team and his defenders lodged a frequent talking point.

Despite Carroll's claims that Trump had raped her, they noted, the jury stopped short of saying he committed that particular offense. Instead, jurors opted for a second option: sexual abuse.

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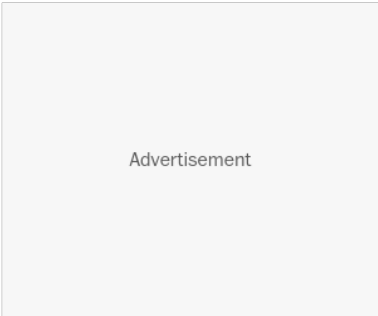
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“This was a rape claim, this was a rape case all along, and the jury rejected that — made other findings,” his lawyer, Joe Tacopina, said outside the courthouse.

A judge has now clarified that this is basically a legal distinction without a real-world difference. He says that what the jury found Trump did was in fact rape, as commonly understood.

The [filing from Judge Lewis A. Kaplan](#) came as Trump’s attorneys have sought a new trial and have argued that the jury’s \$5 million verdict against Trump in the civil suit was excessive. The reason, they argue, is that sexual abuse could be as limited as the “groping” of a victim’s breasts.



Kaplan roundly [rejected Trump’s motion](#) Tuesday, calling that argument “entirely unpersuasive.”

“The finding that Ms. Carroll failed to prove that she was ‘raped’ within the meaning of the New York Penal Law does not mean that she failed to prove that



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“The finding that Ms. Carroll failed to prove that she was ‘raped’ within the meaning of the New York Penal Law does not mean that she failed to prove that Mr. Trump ‘raped’ her as many people commonly understand the word ‘rape.’” Kaplan wrote.

He added: “Indeed, as the evidence at trial recounted below makes clear, the jury found that Mr. Trump in fact did exactly that.”

Kaplan said New York's legal definition of "rape" is "far narrower" than the word is understood in "common modern parlance."



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The former requires forcible, unconsented-to penetration with one's penis. But he said that the conduct the jury effectively found Trump liable for — forced digital penetration — meets a more common definition of rape. He cited definitions offered by the American Psychological Association and the Justice Department, which in 2012 expanded its definition of rape to include penetration “with any body part or object.”

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Kaplan also flatly rejected the Trump team's suggestion that the conduct Trump was found liable for might have been as limited as groping of the breasts.

The reason? Trump was not accused of that, so the only alleged offense that would have qualified as “sexual abuse” was forced digital penetration. Beyond that, Trump was accused of putting his mouth on Carroll’s mouth and pulling down her tights, which Kaplan noted were not treated as alleged sexual abuse at trial.

“The jury’s finding of sexual abuse therefore necessarily implies that it found that Mr. Trump forcibly penetrated her vagina,” Kaplan wrote, calling it the “only remaining conclusion.”

Kaplan also noted that the verdict form did not ask the jury to decide exactly what conduct Trump had committed, and that neither prosecutors nor Trump's

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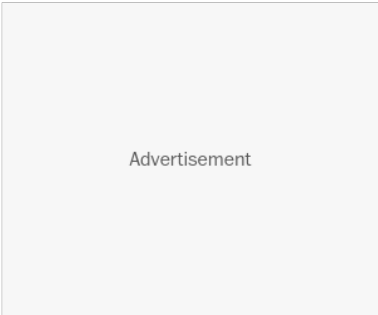
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“only remaining conclusion.”

Kaplan also noted that the verdict form did not ask the jury to decide exactly what conduct Trump had committed, and that neither prosecutors nor Trump’s lawyers had requested it to do so.



“Mr. Trump’s attempt to minimize the sexual abuse finding as perhaps resting on nothing more than groping of Ms. Carroll’s breasts through her clothing is frivolous,” Kaplan wrote.


He added that the jury clearly found that Trump had “ ‘raped’ her in the sense of that term broader than the New York Penal Law definition.”

The motion was a part of Trump’s efforts to appeal the verdict against him. That’s an effort that will apparently continue as he faces a separate defamation lawsuit from Carroll, dealing with claims Trump made about her allegations while he was still president.

But for now, Trump’s effort to push back has led to a rather remarkable clarification that severely undercuts his main talking point.



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By [Aaron Blake](#)

Aaron Blake is senior political reporter, writing for The Fix. A Minnesota native, he has also written about politics for the Minneapolis Star Tribune and The Hill newspaper. [Twitter](#)



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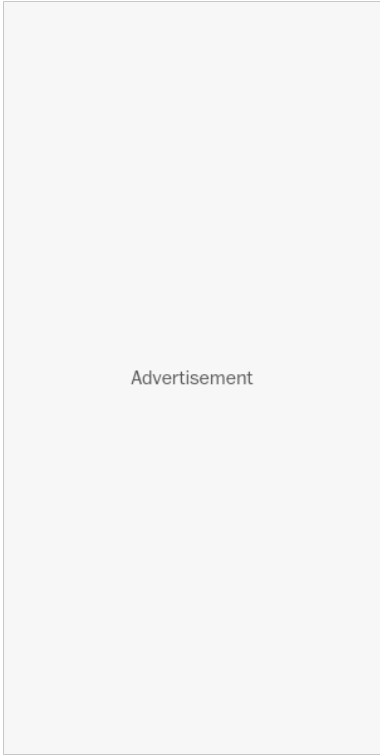
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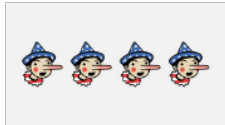
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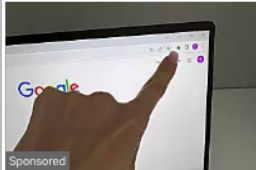
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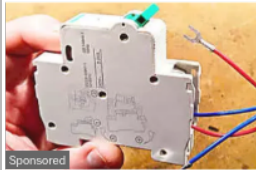
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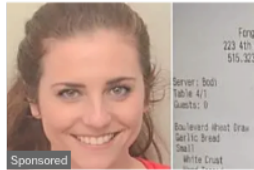
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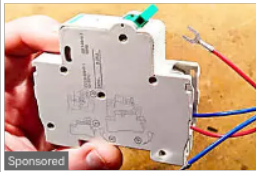


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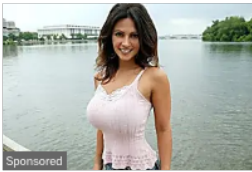
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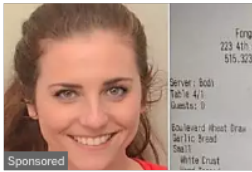
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^ K117s2 10 months ago

How in the world can white evangelicals and conservative catholics support a convicted rapist! We, "real" christians must forcefully denounce our fellow white evangelicals and conservative catholics who support the former, failed president. It is time that we publicly stand up, and tell America that we as christians are embarassed, ashamed, in total disagreement and totally fed up with our fellow christians who support the convicted rapist. Otherwise, we are accomplices. DENOUNCE, DENOUNCE and DENOUNCE these false prophets who are in the millions in the USA.



^ Plumberpierce 10 months ago

Seems arbitrary to base the decision on the new definition of "rape" by the American Psychological Association and the Justice Department, "When the New York penal code's definition is much narrower" didn't the jury use the New York statute as their guide for conviction? The judge now broadens the definition outside his legal bounds, most likely out of personal malice.



^ fordth 10 months ago

Funny what fat ugly white guys think they can get away with



^ Lady Emsworth 10 months ago

You really do have to wonder exactly WHAT trump would have to do before the GOP finally said "We're really sorry, Sir, and please don't



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use you know how much we all love

it - you can't run for President. We

